

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

CRYSTAL C.,

Plaintiff,

v.

**5:20-CV-807
(FJS/ATB)**

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES

OF COUNSEL

OLINSKY LAW GROUP

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Attorneys for Plaintiff

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SOCIAL SECURITY ADMINISTRATION

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Attorneys for Defendant

AMELIA STEWART, ESQ.

SCULLIN, Senior Judge

ORDER

Plaintiff brought this action pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), seeking judicial review of a final decision of Defendant Commissioner denying her application for Social Security Disability Insurance benefits and Supplemental Security Income benefits. *See* Dkt. No.

1. On April 5, 2021, Plaintiff filed her memorandum of law in support of her motion for judgment on the pleadings, *see* Dkt. No. 16; and, on June 14, 2021, Defendant Commissioner filed her memorandum of law in support of her motion for judgment on the pleadings, *see* Dkt. No. 19. After a thorough review of the record, Magistrate Judge Baxter issued a Report and

Recommendation, in which he recommended that the Court reverse Defendant Commissioner's decision and remand this case, "pursuant to sentence four of 42 U.S.C. § 405(g), for a proper determination of [P]laintiff's residual functional capacity, and other further proceedings, consistent with [his] Report." *See* Dkt. No. 20 at 26. The parties filed no objections to these recommendations.

"When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice." *Young v. Polizzi*, No. 9:16-CV-660, 2018 WL 3949942, *1 (N.D.N.Y. Aug. 16, 2018) (quoting *Ward v. Lee*, No. 9:16-CV-1224, 2018 WL 3574872, *1 (N.D.N.Y. July 25, 2018) (citation omitted)). "After conducting this review, "the Court may 'accept, reject, or modify, in whole or in part, the recommendations made by the Magistrate Judge.'"" *Id.* (quotation omitted).

The Court has reviewed Magistrate Judge Baxter's December 10, 2021 Report and Recommendation for clear error and manifest injustice; and, finding none, the Court hereby

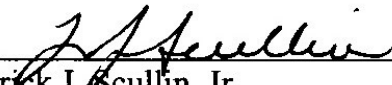
ORDERS that Magistrate Judge Baxter's December 10, 2021 Report and Recommendation is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

ORDERS that Defendant Commissioner's decision is **REVERSED** and this case is **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) consistent with Magistrate Judge Baxter's Report and Recommendation, including "for a proper determination of [P]laintiff's residual functional capacity, and other further proceedings, consistent with [his] Report"; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Plaintiff and close this case.

IT IS SO ORDERED.

Dated: March 29, 2022
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Judge